

1 SB224
2 106304-1
3 By Senator Little (T)
4 RFD: Judiciary
5 First Read: 03-FEB-09

SYNOPSIS: Under existing law, a prisoner is not eligible for parole until he or she has served at least one-third or 10 years of his or her sentence, whichever is less.

This bill would define "parole-consideration term" and "concurrent sentences of imprisonment." The bill would provide that a prisoner who is subject to consecutive sentences of imprisonment would be subject to multiple parole-consideration terms and not eligible for parole unless he or she has served each of his or her multiple parole-consideration terms. The bill would provide that each prisoner who has not been granted parole would not be subject to the provisions of this bill. This bill would provide that no prisoner would have a right or entitlement to parole.

A BILL
TO BE ENTITLED
AN ACT

1
2 To amend Section 15-22-28 of the Code of Alabama
3 1975, relating to parole of prisoners; to define
4 "parole-consideration term" and "concurrent sentences of
5 imprisonment"; to provide that a prisoner who is subject to
6 consecutive sentences of imprisonment would be subject to
7 multiple parole-consideration terms and would be ineligible
8 for parole unless he or she has served each of his or her
9 multiple parole-consideration terms; to provide that each
10 prisoner who has not been granted parole would be subject to
11 the provisions of this act; and to provide that no prisoner
12 would have a right or entitlement to parole.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known as the
15 "Parole-Consideration Reform Act of 2009."

16 Section 2. Section 15-22-28 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§15-22-28.

19 "(a) For purposes of this section, the following
20 words shall have the following meanings:

21 "(1) CONCURRENT SENTENCES OF IMPRISONMENT. One
22 sentence of imprisonment with the parole-consideration term
23 being calculated upon the longest of the concurrent sentences.

24 "(2) PAROLE-CONSIDERATION TERM. A specific period of
25 imprisonment that is one-third of a prisoner's sentence or 10
26 years incarceration, whichever is the lesser.

1 "~~(a)~~(b) It shall be the duty of the Board of Pardons
2 and Paroles, upon its own initiative, to make an investigation
3 of any and all prisoners confined in the jails and prisons of
4 the state with a view of determining the feasibility of
5 releasing the prisoners on parole and effecting their
6 reclamation. Reinvestigations shall be made from time to time
7 as the board may determine or as the Board of Corrections may
8 request. The investigations shall include such reports and
9 other information as the board may require from the Board of
10 Corrections or any of its officers, agents or employees.

11 "~~(b)~~(c) It shall be the duty of the Board of
12 Corrections to cooperate with the Board of Pardons and Paroles
13 for the purpose of carrying out the provisions of this
14 article.

15 "~~(c)~~(d) Temporary leave from prison, including
16 Christmas furloughs, may be granted only by the Commissioner
17 of Corrections to a prisoner for good and sufficient reason
18 and may be granted within or without the state; provided, that
19 Christmas furloughs shall not be granted to any prisoner
20 convicted of drug peddling, child molesting or rape, or to any
21 maximum security prisoner. A permanent, written record of all
22 such temporary leaves, together with the reasons therefor,
23 shall be kept by such commissioner. He shall furnish the
24 Pardon and Parole Board with a record of each such leave
25 granted and the reasons therefor, and the same shall be placed
26 by the board in the prisoner's file.

1 "~~(d)~~ (e) No prisoner shall be released on parole
2 except by a majority vote of the board, nor unless the board
3 is satisfied that he will be suitably employed in
4 self-sustaining employment or that he will not become a public
5 charge if so released. The board shall not parole any prisoner
6 for employment by any official of the State of Alabama, nor
7 shall any parolee be employed by an official of the State of
8 Alabama and be allowed to remain on parole; provided, however,
9 that this provision shall not apply in the case of a parolee
10 whose employer, at the time of the parolee's original
11 employment, was not a state official."

12 "~~(e)~~ (f) Notwithstanding any other provision of law,
13 the ~~The~~ board shall not grant a parole to any prisoner ~~who~~
14 serving a single sentence or concurrent sentences, if that
15 prisoner has not served at least ~~one third or 10 years~~ the
16 parole-consideration term of his or her sentence, ~~whichever is~~
17 ~~the lesser,~~ except by a unanimous affirmative vote of the
18 board.

19 "(g) Notwithstanding any other provision of law, a
20 prisoner subject to consecutive sentences of imprisonment
21 shall be subject to multiple parole-consideration terms. The
22 board may not grant a parole to a prisoner subject to
23 consecutive sentences of imprisonment, and multiple
24 parole-consideration terms, until the prisoner has served each
25 of his or her multiple parole-consideration terms in
26 succession.

1 "(h) Notwithstanding any other provision of law, the
2 board shall not grant a parole to a prisoner serving a
3 combination of consecutive and concurrent sentences until the
4 prisoner has served, in succession, all of the following:

5 "(1) The parole-consideration term of the longest of
6 any sentences that are to be served concurrently.

7 "(2) The parole-consideration term for each and
8 every one of his or her consecutive sentences.

9 "(i) No prisoner shall have a right or entitlement
10 to a parole."

11 Section 3. This act shall be applicable only to
12 offenses committed after September 1, 2009.

13 Section 4. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.